

REMARKS/ARGUMENTS

The present Amendment is responsive to the final Office Action mailed September 30, 2009 in the above-identified patent application.

Claims 33 and 39-46 are the claims currently presented for examination in the present patent application.

Claim 33 is amended to clarify features recited thereby. These amendments are fully supported by Applicant's disclosure, see, for example, Figs. 1, 2 and 6. Further, withdrawn claim 48 is amended so it depends from a claim still pending in the patent application.

The present Amendment is believed to raise no issues that would require further searching of the art because it adopts a suggestion for a claim amendment provided on page 6 of the Office Action. Therefore, no Request for Continued Examination (RCE) is believed to be necessary at this time.

Rejection of Claims 33, 39-41 and 43-46 under 35 U.S.C. §102

Claims 33, 39-41 and 43-46 are rejected under 35 U.S.C. §102(b) as being anticipated by Ditter et al., U.S. Patent No. 2,942,674. Reconsideration of this rejection is respectfully requested.

Claim 33 requires an apparatus comprising a chassis having a tool-engaging end, whereby in use a leading portion of the tool on the tool receiving means is disposed substantially vertically below an axis of rotation of the axle in a vertical plane oriented perpendicular to the direction of travel, wherein the vertical plane intersects both the leading portion of the tool and the axis of rotation of the axle.

Page 6 of the Office Action appears to acknowledge that the arguments presented in the written Response filed July 23, 2009 are directed to a patentably distinguishable feature of the claimed apparatus given the present clarification of claim 33. That is, Applicant is adopting the claim language suggested on page 6 of the Office Action by clarifying that the axis of rotation of the axle is in a vertical plane that intersects both the leading portion of the tool and the axis of rotation of the axle. Therefore, it is believed that the Examiner is in agreement that Ditter and the other cited art do not disclose or suggest the recitations of claim 33 as so amended.

Claims 39-41 and 43-46 depend from claim 33, and are therefore patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claim 42 under 35 U.S.C. §103

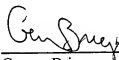
Claim 42 is rejected under 35 U.S.C. §103(a) as being obvious over Ditter as applied to claim 39, in view of In re Stevens, 101 USPQ 284 (CCPA 1954). Reconsideration of this rejection is respectfully requested.

In re Stevens is not cited in connection with the above-discussed deficiencies of Ditter as they relate to the above-recitations of claim 33. Therefore, since claim 42 depends from claim 33, claim 42 is patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the present application are respectfully requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON December 28, 2009.

Respectfully submitted,



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